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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/578,296

05/04/2006

Markus Leffler

23563

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535 7590 05/29/2008

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EXAMINER

LU, JIPING

ART UNIT

PAPER NUMBER

3749

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/578,296	<b>Applicant(s)</b> LEFFLER, MARKUS	
	<b>Examiner</b> Jiping Lu	<b>Art Unit</b> 3749	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 February 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 3-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Status***

1. Claims 1-2 have been canceled. Claims 3-9 are now in the case.

### ***Drawings***

2. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The amendment filed 2/29/08 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: for example, on page 1 of the substitute specification, the terms "foraminous cylindrical drum", "wire mesh", "end plates"; page 2 of the substitute specification, the terms "formed as a thin bar", "extending angularly in the cylindrical drum", "formed as solid bars that are somewhat thicker", on page 3 of the substitute specification, the terms "level of screws", "each of the radially directed edges", "radially inward", on page 4 of the substitute

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specification, the terms “outer wire mesh”, “on an axis A”, “coaxially therewith”; on page 5 of the substitute specification, the terms “axially extending sheet-metal strips 10, the radially extending extent”, “end plates”, on page 6 of the substitute specification, the terms “level of openings”, “are connected together”, “radially oppositely directed sharp edges 34, 35”, “hollowed out to form a chamber 36”, “sufficiently thick”, “with uniform thickness”, and on page 7 of the substitute specification, the terms “level of hollow chamber 36”, “each have one end formed with an internal thread and an opposite end formed with an external thread”, through bolt” and the last four lines of page 7 are new matter added. The terms in the substitute abstract are new matter added as explained above. Therefore, the entire substitute abstract contains new matter.

Applicant is required to cancel the new matter in the reply to this Office Action.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 2-9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In claim 6, the newly claimed “cylindrical foraminous wall”, “screw fasteners”, “pair of side walls extending radially and angularly” of claim 6, “surrounds and covers the screw

fasteners” in claim 5 and “whereby each connector has a pair of oppositely angularly directed convex outer faces extending angularly between the respective edges” in last three lines of claim 9 are new matter that are not supported by the original specification..

***Claim Rejections - 35 USC § 103***

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 3-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fleissner (U. S. Pat. 4,811,574).

Fleissner shows a conveyor drum for a textile-treatment device, the drum comprising a pair of ends 11, 12 spaced apart along an axis, a generally cylindrical foraminous wall 9 extending axially between the ends, an array of sheet metal stiffener strips 10 lying in respective generally radially extending planes and extending axially between the ends 11, 12, a plurality of rigid connectors 13 extending angularly between the strips 10 and each having a pair of angularly oppositely directed end faces 16, 17 engaging the respective strips, an angularly extending, radially outwardly directed, and radially outwardly directed outer edge 18, an angularly extending and radially inwardly directed inner edge 22, an angularly throughgoing outer bore 19 adjacent the outer edge 18, an angularly throughgoing outer bore 21 adjacent the inner edge 22, and a pair of side walls 16, 17 extending radially and angularly from the outer edge to the inner edge and forming between the bores 19, 21 and forming between the bores 19, 21 a hollow chamber 20 and respective angularly extending screw fasteners 14, 15 engaged in the bores and clamping the stiffener strips 10 angularly to the end faces of the connectors. The

connecting element is provided with side wall 16, 17 that is sufficient for the stability of the connector at the hollow chamber. The walls 16, 17 are provided to both sides of the hollow chamber extend parallel to one another. The connecting element merely consists of a sheet metal (col. 4, lines 17-20) and surrounds and covers the two screws 14, 15. Fleissner discloses the claimed invention except for sharp or pointed edge connector and shape of the connecting element. The connecting member of Fleissner is T-shaped. It would have been an obvious matter of design choice to modify the connecting element 13 of Fleissner to have sharp or pointed edges and an arrow shape in order to reduce air flow resistance, since such a modification would have involved a mere change in the shape of a component. A change in shape is generally recognized as a design consideration within the level of ordinary skill in the art. In re Dailey, 149 USPQ 47 (CCPA 1966). With regard to the claimed phrase “a piece of sheet metal that is bent in the shape of an arrow and surrounds and covers the screws” in claim 5, it is being treated as a product by process limitation. As set forth in MPEP 2113, product by process claims are NOT limited to the manipulations of the recited steps, only to the structure implied by the steps. Thus, the limitation above does not add any structural limitation to the claim.

### ***Response to Arguments***

8. Applicant's arguments filed on 2/29/08 with respect to claims have been considered but are not persuasive to overcome the rejection. First, the newly added claims 6-9 contain numerous new matters as indicated in the rejection above. The newly filed substitute specification and abstract also contain new matters added which are not supported by the original specification, drawings and claims. Second, claims presented fail to structurally define over the

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prior art references. The applicant is requested to point out from the claims, if any structural limitations that the prior art references do not teach or show. Third, currently, claim 6 fails to structurally define over the prior art to patents to Fleissner. The only difference between the conveyor drum as recited in claim 6 and Fleissner conveyor drum is the sharp edge and the shape of the connecting element. This is deemed to be merely an obvious matter of design choice as stated in the rejection above.

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jiping Lu whose telephone number is 571 272 4878. The examiner can normally be reached on Monday-Friday, 9:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, STEVEN B. MCALLISTER can be reached on 571 272-6785. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jiping Lu/  
Primary Examiner  
Art Unit 3749

J. L.